

**UNITED STATES BANKRUPTCY COURT**  
**District of New Jersey**

IN RE: **Edgardo Santaliz**  
**Ivelisse Santaliz**

Debtor(s)

Case No.: 13-37642

Judge: Michael B. Kaplan

Chapter: 13

**SECOND MODIFIED CHAPTER 13 PLAN AND MOTIONS**

☐ Original

☒ Motions Included

☒ Modified/Notice Required

☐ Modified/No Notice Required

☒ Discharge Sought

☐ No Discharge Sought

Date: 10/26/16

THE DEBTOR HAS FILED FOR RELIEF UNDER  
 CHAPTER 13 OF THE BANKRUPTCY CODE.

**YOUR RIGHTS WILL BE AFFECTED.**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED  
 IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN  
 THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

**Part 1: Payment and Length of Plan**

a. The Debtor shall pay 37,805.00 PAID TO DATE then \$1,313.00 Monthly to the Chapter 13 Trustee, starting on 11/1/2016 for approximately 7 months.

b. The Debtor shall make plan payments to the Trustee from the following sources:

☒

Future Earnings

☐

Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property  
Description:  
Proposed date for completion: \_\_\_\_\_

☐ Refinance of real property  
Description:  
Proposed date for completion: \_\_\_\_\_

☐ Loan modification with respect to mortgage encumbering property  
Description:  
Proposed date for completion: \_\_\_\_\_

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

## Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ \_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ \_\_\_\_ to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to \_\_\_\_ (creditor).

## Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Kirsten B. Ennis	Attorney Fees	2,000.00

## Part 4: Secured Claims

### a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Pnc Mortgage	68 Leber Avenue Carteret, NJ 07008	17,580.20	0.00	17,580.20	1,681.49
West Gate Leisure Resorts	Timeshare w. WestGate - Orlando, FL 2nd wk of September - 1-2 wks	1,018.91	0.00	1,018.91	0.00

### b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section

1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
Nissan Motor Acceptanc	2006 Nissan Altima (104,630 miles)	8,969.00	8,000.00	None	8,000.00	4.25	8,859.63

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**c. Surrender**

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
-NONE-			

**d. Secured Claims Unaffected by the Plan**

The following secured claims are unaffected by the Plan:

Creditor  
-NONE-

**e. Secured Claims to be paid in full through the Plan**

Creditor	Collateral	Total Amount to be Paid through the Plan
-NONE-		

**Part 5: Unsecured Claims**

a. **Not separately classified** Allowed non-priority unsecured claims shall be paid:

\_\_\_\_ Not less than \$ \_\_\_\_ to be distributed *pro rata*

  X   Not less than   100   percent

\_\_\_\_ *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured Claims** shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

**Part 6: Executory Contracts and Unexpired Leases**

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
-NONE-		

## Part 7: Motions

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.**

### a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
<b>-NONE-</b>							

### b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
<b>-NONE-</b>		

### c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
<b>Nissan Motor Acceptanc</b>	<b>2006 Nissan Altima (104,630 miles)</b>	<b>8,000.00</b>	<b>969.00</b>

## Part 8: Other Plan Provisions

### a. Vesting of Property of the Estate

- ☒ Upon Confirmation  
☐ Upon Discharge

### b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

### c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Other Administrative Claims

- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

**d. Post-petition claims**

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**e. Other Provisions:**

**Part 9 : Modification**

If this plan modifies a plan previously filed in this case, complete the information below.  
Date of Plan being modified: 2/12/2014.

Explain below <b>why</b> the Plan is being modified.	Explain below <b>how</b> the Plan is being modified
Modified Plan is being filed as the second mortgage claim of CitiFinancial was voluntarily released by the creditor and the motion to expunge the claim was granted. The Plan is now being proposed at 100% repayment to unsecured creditors.	Modified Plan is being filed as the second mortgage claim of CitiFinancial was voluntarily released by the creditor and the motion to expunge the claim was granted. The Plan is now being proposed at 100% repayment to unsecured creditors.

Are Schedules I and J being filed simultaneously with this modified Plan? ☐ Yes ☒ No

**Part 10: Sign Here**

The debtor(s) and the attorney for the debtor (if any) must sign this Plan.

Date October 26, 2016 /s/ Kirsten B. Ennis  
Kirsten B. Ennis  
Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date: October 26, 2016 /s/ Edgardo Santaliz  
Edgardo Santaliz  
Debtor

Date: October 26, 2016 /s/ Ivelisse Santaliz  
Ivelisse Santaliz  
Joint Debtor

**Certificate of Notice Page 6 of 7**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Edgardo Santaliz  
 Ivelisse Santaliz  
 Debtors

Case No. 13-37642-MBK  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
 Form ID: pdf901

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 Total Noticed: 31

Date Rcvd: Oct 27, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 29, 2016.

db/jdb +Edgardo Santaliz, Ivelisse Santaliz, 68 Leber Avenue, Carteret, NJ 07008-1941  
 514761204 +ABC Pediatrics, c/o Pressler and Pressler, LLP., 7 Entin Road, Parsippany NJ 07054-5020  
 514435128 +American Express, c/o Becket and Lee LLP, Po Box 3001, Malvern, PA 19355-0701  
 514435130 ++CITIFINANCIAL, BANKRUPTCY FORECLOSURE UNIT, 1000 TECHNOLOGY DRIVE, OFALLON MO 63368-2239  
 (address filed with court: Citifinancial, 300 Saint Paul Pl, Baltimore, MD 21202)  
 514696096 CitiFinancial Servicing LLC, P.O. Box 6043, Sioux Falls, SD 57117-6043  
 514435131 ++DELL FINANCIAL SERVICES, P O BOX 81577, AUSTIN TX 78708-1577  
 (address filed with court: Dell Financial Services, Attn: Bankruptcy Dept., Po Box 81577, Austin, TX 78708)  
 514435133 +Hsbc Bank, Attn: Bankruptcy, Po Box 5253, Carol Stream, IL 60197-5253  
 514435136 +Macys/fdsb, Macy's Bankruptcy, Po Box 8053, Mason, OH 45040-8053  
 514435139 +Nissan Motor Acceptanc, Po Box 660360, Dallas, TX 75266-0360  
 514459469 Nissan Motor Acceptance, POB 660366, Dallas, TX 75266-0366  
 514764257 +PNC Bank,, ZUCKER, GOLDBERG ET ALS, 200 Sheffield Street, Suite 101, Mountainside, NJ 07092-2315  
 514756189 PNC Bank, National Association, 323 Newmark Drive, B6-YM14-01-3, Miamisburg, OH 45342  
 514435140 +Pnc Mortgage, 6 N Main St, Dayton, OH 45402-1908  
 514435141 +Revenue Recovery Corp, 612 Gay St, Knoxville, TN 37902-1603  
 514435142 +Tnb-visa, Po Box 560284, Dallas, TX 75356-0284  
 514435143 +West Gate Leisure Resorts, 5601 Windhover Drive, Orlando, FL 32819-7936  
 514519332 +Westgate Vacation Villas, LLC, 2801 Old Winter Gardens Rd., Ocoee, FL 34761-2965  
 514435144 +Wfnnb/mandee, 995 W 122nd Ave, Westminster, CO 80234-3417  
 514435145 +Wfnnb/new York & Comp, Po Box 182789, Columbus, OH 43218-2789  
 514460792 eCAST Settlement Corporation, assignee, of CitiFinancial, Inc., POB 29262, New York, NY 10087-9262

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. smg

E-mail/Text: usanj.njbankr@usdoj.gov Oct 27 2016 22:48:24 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534  
 smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Oct 27 2016 22:48:20 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235  
 514458094 E-mail/PDF: EBN\_AIS@AMERICANINFOSOURCE.COM Oct 27 2016 22:45:32 American InfoSource LP as agent for, Midland Funding LLC, PO Box 268941, Oklahoma City, OK 73126-8941  
 514435132 +E-mail/PDF: gecsedirecoverycorp.com Oct 27 2016 22:37:08 Gemb/jcp, Attention: Bankruptcy, Po Box 103104, Roswell, GA 30076-9104  
 514435134 +E-mail/Text: bankruptcy@icsystem.com Oct 27 2016 22:48:51 I C System Inc, Po Box 64378, Saint Paul, MN 55164-0378  
 514435135 +E-mail/PDF: gecsedirecoverycorp.com Oct 27 2016 22:37:08 Lowes / MBGA, Attention: Bankruptcy Department, Po Box 103104, Roswell, GA 30076-9104  
 514435138 +E-mail/Text: bankruptcydpt@mcsmc.com Oct 27 2016 22:48:19 Midland Credit Management, Po Box 939019, San Diego, CA 92193-9019  
 514752421 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Oct 27 2016 22:45:55 Portfolio Recovery Associates, LLC, c/o HSBC Bank Nevada, N.A, POB 41067, Norfolk VA 23541  
 514753763 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Oct 27 2016 22:45:42 Portfolio Recovery Associates, LLC, c/o JC Penney, POB 41067, Norfolk VA 23541  
 514753358 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Oct 27 2016 22:45:31 Portfolio Recovery Associates, LLC, c/o Lowes, POB 41067, Norfolk VA 23541  
 514446850 E-mail/Text: bnc-quantum@quantum3group.com Oct 27 2016 22:48:15 Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788  
 TOTAL: 11

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

514435137 Mid State Fcu  
 514734932\* ++DELL FINANCIAL SERVICES, P O BOX 81577, AUSTIN TX 78708-1577  
 (address filed with court: Dell Financial Services, LLC, Resurgent Capital Services, PO Box 10390, Greenville, SC 29603-0390)  
 514497627\* Nissan Motor Acceptance Corporation, PO Box 660366 Dallas TX 75266-0366  
 514435129 ##+Bank Of America, Po Box 17054, Wilmington, DE 19850-7054

TOTALS: 1, \* 2, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0312-3

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 31

Date Rcvd: Oct 27, 2016

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Oct 29, 2016

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 26, 2016 at the address(es) listed below:

Albert Russo docs@russotrustee.com  
Albert Russo (NA) on behalf of Trustee Albert Russo docs@russotrustee.com  
Brian C. Nicholas on behalf of Creditor PNC BANK, NATIONAL ASSOCIATION  
bnicholas@kmlawgroup.com  
Denise E. Carlon on behalf of Creditor PNC Bank, National Association dcarlon@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
Joel A. Ackerman on behalf of Creditor National City Real Estate Services, LLD as successor  
by merger to Ntaional City Mortgage Co. dba Commonwealth United Mortgage Company  
jackerman@zuckergoldberg.com  
Joshua I. Goldman on behalf of Creditor PNC Bank, National Association  
jgoldman@kmlawgroup.com, bkgroup@kmlawgroup.com  
Kirsten B. Ennis on behalf of Joint Debtor Ivelisse Santaliz pacerecf@ennislegal.com  
Kirsten B. Ennis on behalf of Debtor Edgardo Santaliz pacerecf@ennislegal.com

TOTAL: 8